

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-HC-2266-D

AGNES M. CHEVALIER,)
)
Petitioner,) MOTION TO DISMISS FOR FAILURE
) TO FILE WITHIN THE APPLICABLE
v.) LIMITATIONS PERIOD
)
FRANK L. PERRY,) 28 U.S.C. § 2244(d)(1); Local Rule 7.1
)
Respondent.)

NOW COMES Respondent, FRANK L. PERRY, through counsel, Attorney General Roy Cooper and Assistant Attorney General Peter A. Regulski, and pursuant to Rules 4 and 5(b) of the Rules Governing § 2254 Cases in the United States District Courts and 28 U.S.C. § 2244(d)(1) moves this Honorable Court to enter an order dismissing the Petition as outside the applicable statute of limitations. Respondent relies upon the Memorandum of Law in Support of the Motion to Dismiss for Failure to File Within the Applicable Limitations Period, which is filed and served contemporaneously herewith.

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Respectfully submitted this 23rd day of September, 2014.

ROY COOPER
Attorney General

/s/ Peter A. Regulski

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 23 September 2014, I electronically filed the foregoing MOTION TO DISMISS FOR FAILURE TO FILE WITHIN THE APPLICABLE LIMITATIONS PERIOD with the Clerk of Court using the CM/ECF system and on said date I dispatched by first class mail, postage prepaid, said filing to the following non-CM/ECF participant:

Agnes M. Chevallier
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